

Craig Hunt
October 2, 2002

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2002-0099
I.D. NO. 1B02151RMEN

WASTE DISCHARGE REQUIREMENTS

FOR

WILLIAM J. BLINN TRUST
GLASS BEACH PROPERTY (FORMER FORT BRAGG DUMP)
CLEAN CLOSURE OF THE SOLID WASTE DISPOSAL SITE

Mendocino County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. The William J. Blinn Trust (hereinafter Discharger) proposes to remediate through clean closure the solid waste disposal site known as the Glass Beach property in Fort Bragg. The Discharger submitted a Remedial Action Plan on May 20, 2002, an addendum to the Remedial Action Plan on July 19, 2002, and a Form 200 on September 6, 2002. Together these documents constitute a complete Report of Waste Discharge (ROWD). The assessor's parcel number for this property is 008-010-24. The solid waste disposal site (hereinafter, the Site) is located on the southwestern portion of the property, at the western end of Elm Street, west of Glass Beach Drive, as shown in Attachment 1, incorporated herein and made part of this Order.
2. From 1950 to 1967, the Site was operated as a solid waste disposal site used by local residents. Solid waste was dumped from bluffs into the ocean and on to the land near the ocean dumping points. Some waste was burned. There are deposits of solid waste and burn ash in and near the bluffs.
3. Union Lumber Company owned the Site during the time of operation as a solid waste disposal site. After the cessation of operations at the Site, Union Lumber Company was sold to Boise Cascade Lumber Company, who later sold the Site to the Georgia Pacific Corporation. Mr. William J. Blinn purchased the Site from Georgia Pacific Corporation in 1991. The Discharger currently owns the Site.
4. The Site is a tourist attraction and a public access point to the beach. Although privately owned, public access to the Site is compelled through litigation by various parties.

5. The California Coastal Conservancy and the Mendocino Land Trust are in the process of facilitating the purchase of this property into public lands. The California Department of Parks and Recreation would be final recipient of the land.
6. The California Integrated Waste Management Board has approved managing the remediation of the Site through its Solid Waste Disposal & Codisposal Cleanup Program.
7. The goal of the remedial project is clean closure of the Site with no post-closure monitoring. The purpose of the clean closure is to render the Site no longer capable of posing a threat to water quality.
8. The Discharger has completed a Site investigation to characterize residual wastes and soil and groundwater conditions.

Disposal operations included two main tipping pads. The associated concrete pads and walls remain at the Site. Buried refuse and burn ash have been located near these tipping pads. The total area with buried waste is less than one acre. Refuse and burn ash is exposed in some locations. The maximum depth of waste is about 12 feet. Heavy metals, including lead, have been detected in and below the waste at concentrations greater than background. Non-RCRA hazardous waste levels of lead are present. Motor oil and diesel range petroleum hydrocarbons have been detected in some of the same locations as elevated lead concentrations.

Groundwater resources at the Site have been investigated for potential impacts from heavy metals and petroleum based hydrocarbons. No impacts have been identified to date and no further investigation is proposed at this time.

9. Sandstone bedrock underlies the Site. The bedrock is exposed in some areas. Sand is present on top of the bedrock in the rest of the Site up to approximately 12 feet deep. Groundwater has only been encountered above the bedrock in a gully adjacent to the north side of the Site. An unnamed drainage is present in the gully.
10. The ROWD is in compliance with applicable portions of Title 27, Section 21090, of the California Code of Regulations (CCR) and is considered the clean closure plan.
11. The proposed remedial action is excavation and off-site disposal of the full extent of refuse and contaminated soils as determined through the previous investigations and through observations and analyses of confirmation samples during the project. The excavation volume was estimated in the ROWD to be 2,000 cubic yards; a greater volume is possible. Backfilling of the excavations is not planned.
12. Removal of the tipping walls is proposed for this project.

13. The Discharger will file a Notice of Intent to comply with the terms of the State Water Resources Control Board General Permit to Discharge Storm Water Associated with Industrial Activity (WQ Order No. 97-03-DWQ).
14. Wastes from the historic dumping operation are also present on the beach and in the tidal zone. The tidal zone and beach below mean high tide are not part of this property or Site and are not part of the clean closure plan.
15. The beneficial uses of the Pacific Ocean include:
 - a. industrial service supply
 - b. industrial process supply
 - c. navigation
 - d. water contact recreation
 - e. noncontact water recreation
 - f. commercial and sport fishing
 - g. preservation of areas of special biological significance
 - h. wildlife habitat
 - i. preservation of rare, threatened or endangered species
 - j. marine habitat
 - k. migration of aquatic organisms
 - l. spawning, reproduction, and/or early development
 - m. shellfish harvesting
 - n. aquaculture
16. Beneficial uses of areal groundwaters include:
 - a. domestic water supply
 - b. agricultural water supply
 - c. industrial service supply
 - d. industrial process supply
17. The permitted action is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.
18. A mitigated negative declaration for this project was prepared and adopted by the City of Fort Bragg on October 23, 2002, to satisfy the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.). The Regional Water Board has considered the mitigated negative declaration and determined that the discharge will not have any significant effects on the environment with the mitigations incorporated into the project.
19. Mitigations in the mitigated negative declaration include, but are not limited to, the following:

- a. Revegetation with native plant species that already occur on the property of all Site areas disturbed by remediation activities;
 - b. Observation by a qualified soils engineer or geologist of the debris removal work to ensure that erosion-susceptible soils and loosened rocks are removed from areas exposed to wave action.
20. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
21. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

THEREFORE, IT IS HEREBY ORDERED that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Order or another Order is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC), is prohibited.
3. The discharge of waste from the Site to the Pacific Ocean is prohibited.
4. The discharge of waste from the Site to groundwater is prohibited.

B. SPECIFICATIONS

1. All closure activities shall be under the direct supervision of a California Registered Civil Engineer or Certified Engineering Geologist and shall be certified by that individual as meeting the prescriptive and performance goals of Chapter 15, Division 3, Title 23 and Subdivision 1, Division 2, Title 27 of the CCR.
2. All waste materials shall be removed from the Site and discharged at an appropriately permitted waste management facility. Any soils or other materials beneath the Site that have become contaminated above inert waste levels, as defined in Specification 3, shall be removed for disposal at an appropriately permitted waste management facility.
3. Soils and other materials beneath the Site shall be considered contaminated above inert waste levels if the leachate from a modified Waste Extraction Test (WET) performed on the soil or material contains contaminant concentrations above water quality objectives. The WET is modified by using deionized water as the

extraction solution. The following water quality objectives shall be used for this determination:

Constituent of Concern	Practical Quantitation Limit µg/L	Water Quality Objective¹ µg/L
Lead	3	2 ²
Diesel	50	100 ³
Motor oil	175	1.0 ⁴

C. PROVISIONS

1. The Discharger shall submit a workplan no later than 21 days before the beginning of fieldwork for approval by the Executive Officer.
2. The workplan shall include provisions for all of the following:
 - a. A project schedule for completing the proposed scope of work;
 - b. Over-excavation of all waste materials posing a threat to water quality and confirmation soil sampling to ensure all wastes have been adequately removed;
 - c. Grading and drainage plans inclusive of materials to be used for backfilling and/or restoring the site topography in a stable manner;
 - d. Erosion control and revegetation plans to restore site stability, inclusive of any needed maintenance and/or monitoring proposal;
 - e. Preparation of the Final Clean Closure Report. This report shall contain the certification required in Specification 1.
3. The Discharger shall comply with the terms of the State Water Resources Control Board, NPDES General Permit No. CAS000001 (Water Quality Order No. 97-03-DWQ) for Discharges of Storm Water Associated with Industrial Activities. The Discharger shall file with the State Water Resources Control Board a Notice of Intent to comply with Water Quality Order No. 97-03-DWQ. The Discharger shall obtain coverage under Water Quality Order No. 97-03-DWQ before the beginning of fieldwork.

¹ Practical quantitation limits are based on current technology. For instances where technology cannot achieve the water quality objective the practical quantitation limit will be used.

² California Public Health Goal (PHG) in Drinking Water (Office of Environmental Health Hazard Assessment) applied to the TOXICITY water quality objective in the Basin Plan.

³ Taste and odor threshold from a US EPA health advisory, applied to the narrative TASTE AND ODOR water quality objective in the Basin Plan for domestic supply.

⁴ US EPA health advisory Suggested No Adverse Response Level (SNARL) of 0.1 µg/L to 1.0 µg/L, applied to the TOXICITY water quality objective in the Basin Plan.

4. The Discharger shall submit the final clean closure report within 30 days of completion of closure activities.

5. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

6. Operation and Maintenance

The Discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the Discharger to achieve compliance with the Waste Discharge Requirements.

7. Change in Discharge

The Discharger shall promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

8. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from his liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the waste discharge.

9. Monitoring

The Discharger shall comply with the Contingency Planning and Notification Requirements Order No. 74-151. This document is attached to this Order and incorporated herein.

10. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

- a. entry upon premises in which a waste source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;
- c. inspection of monitoring equipment or records; and
- d. sampling of any discharge.

11. Noncompliance

In the event the Discharger is unable to comply with any of the conditions of this Order due to:

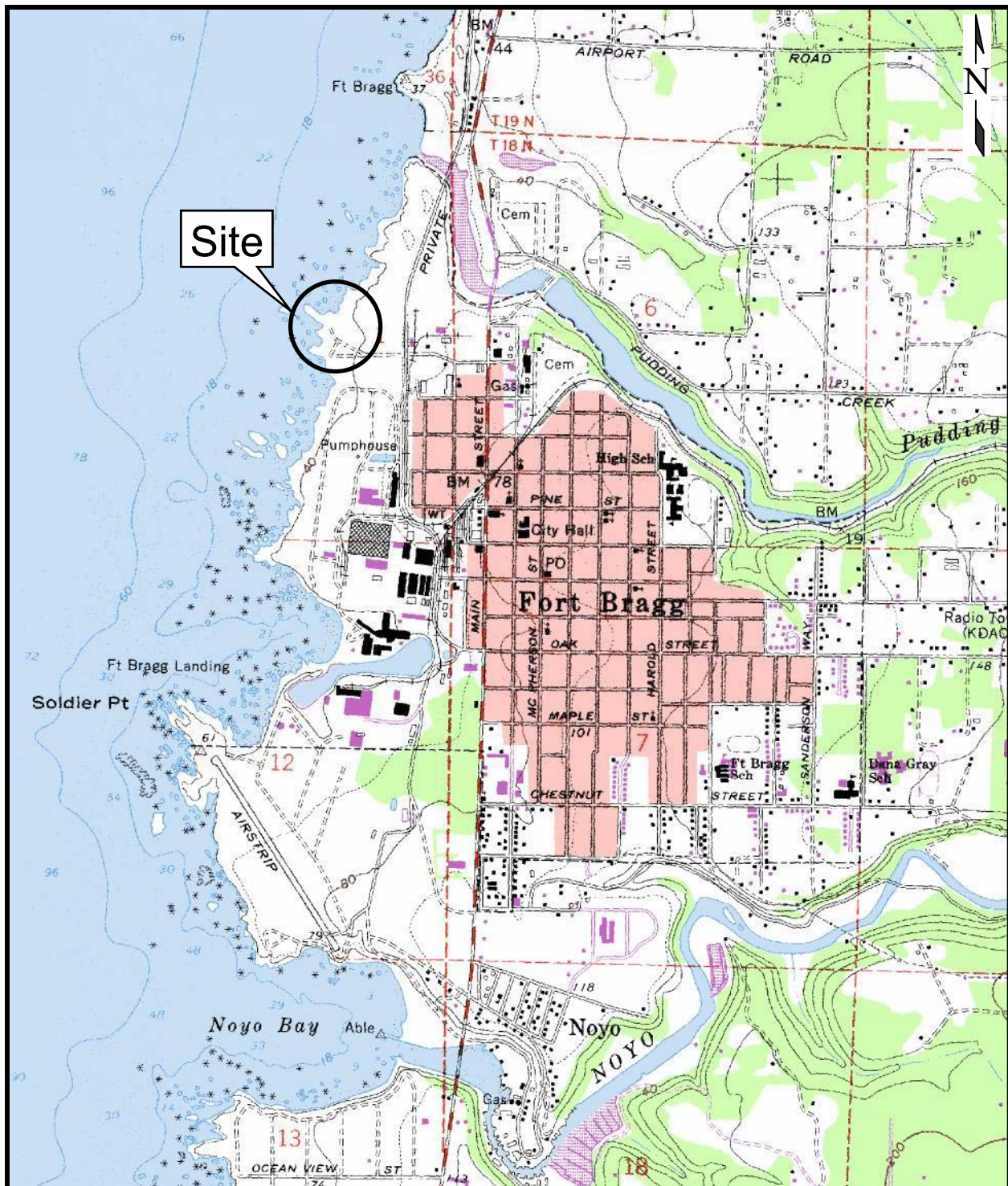
- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the Discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on October 24, 2002.

Susan A. Warner
Executive Officer



Source: USGS 7.5' Topo. Quad, 1978

California Regional Water Quality Control Board
North Coast Region

Glass Beach Property WDRs
R1-2002-0099

Attachment 1
Location Map